

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Brian W. Pennick and Christine L. Pennick,)	
)	CIVIL ACTION NO. 2:14-0144-RMG-BM
Plaintiff,)	
)	
v.)	
)	REPORT AND RECOMMENDATION
Wells Fargo Bank NA, US Department of)	
Housing and Urban Development and)	
Federal Housing Administration,)	
)	
Defendants.)	
_____)	

This action has been filed by the Plaintiffs, pro se, pursuant to 28 U.S.C. § 1331. This case is presently undergoing pre-filing review pursuant to the rules of this Court.

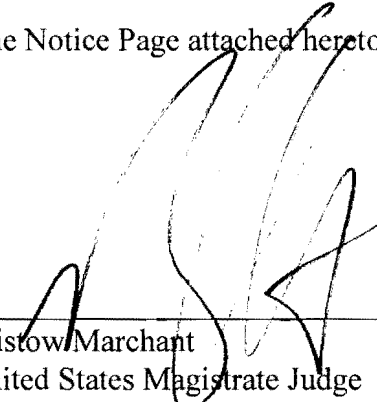
On February 10, 2014, an Order was mailed to Plaintiffs. However, Plaintiffs' copies of the Court's Order were returned to the Clerk of Court on February 20, 2014, with the envelopes being marked "Return to sender, not deliverable as address, unable to forward". Litigants in court filings are required to always keep the Clerk of Court advised **in writing** of their addresses and any changes, so as to assure that orders or other matters that specify deadlines will be received. Plaintiffs are no longer receiving mail at the address shown on their filings, and therefore have failed to comply with this requirement. As a result, neither the Court nor the Defendants have any means of contacting the Plaintiffs concerning this case.

Based on the foregoing, it is recommended that this action be **dismissed, without prejudice**, in accordance with Rule 41(b), Fed.R.Civ.P. **The Clerk is directed to mail this Report**

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and Recommendation to Plaintiffs at their last known address. If the Plaintiffs notify the Court within the time set forth for filing objections to this Report and Recommendation that they wish to continue with this case and provide a current address, the Clerk is directed to vacate this Report and Recommendation and return this file to the undersigned for further handling. If, however, no objections are filed, the Clerk shall forward this Report and Recommendation to the District Judge for disposition.

The parties are also referred to the Notice Page attached hereto.



Bristow Marchant
United States Magistrate Judge

February 21, 2014
Charleston, South Carolina

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Court Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The time calculation of this ten-day period excludes weekends and holidays and provides for an additional three (3) days for filing by mail. Fed. R. Civ. P. 6(a) & (e). Filing by mail pursuant to Fed. R. Civ. P. 5 may be accomplished by mailing objections to:

Robin L. Blume, Clerk
United States District Court
Post Office Box 395
Charleston, South Carolina 29402

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985).

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